

In the Claims:

Claim 1. (Currently amended) A method for noninvasively determining the concentration of a blood constituent comprising the steps of:

providing a tissue probe, having said tissue probe including a first radiation emitter adapted to emit radiation with having a first wavelength and a first radiation detector configured adapted to receive the first wavelength said radiation after absorbance through a radiation path length of the a patient's blood;

measuring absorbance of the said patient's blood by emitting transmitting said radiation at the said first wavelength through the said patient's blood and detecting the said radiation after passage through the said patient's blood;

varying the volume of said patient's blood through gravitational force to change the said path length of the said tissue probe to provide multiples of said path length;

measuring absorbance of the said patient's blood at each multiple of the said path length; and

determining the concentration of the blood constituent based upon the changing on said measured absorbance.

Claim 2. (Currently amended) The method of claim Claim 1, wherein the said blood constituent comprises hemoglobin.

Claim 3. (Currently amended) The method of claim Claim 1, wherein the said blood is comprises venous blood.

Claim 4. (Currently amended) The method of claim Claim 1, wherein the said blood is comprises arterial blood.

Claim 5. (Currently amended) The method of claim Claim 1, further comprising the step of:

verifying the said determination of concentration by comparing the said radiation path length multiplied by the said determined concentration to the said measured absorbance.

Claim 6. (Currently amended) The method of ~~claim~~ Claim 1, wherein the said step of providing a tissue probe comprises providing a tissue probe having a first and second radiation ~~emitter with a first and second wavelength~~ emitters, ~~said first radiation emitter being adapted to emit first radiation having a first wavelength, said second radiation~~ emitter being adapted to emit second radiation having a second wavelength, and a first and second radiation ~~detector configured~~ detectors adapted to receive the said first and second ~~wavelengths~~ radiations, respectively, after absorbance through a radiation path length of the said patient's blood and wherein the said step of measuring the said absorbance comprises measuring the said absorbance at the said first and second wavelengths.

Claims 7 - 52. (Withdrawn)

Claim 53. (Currently amended) A method for noninvasively determining the concentration of a blood constituent comprising the steps of:

providing a at least one tissue probe, having said tissue probe including a first radiation emitter with adapted to emit radiation having a first wavelength and a first radiation detector configured adapted to receive the first wavelength said radiation after absorbance through a first path length of the a patient's blood;

measuring absorbance of the said patient's blood by emitting transmitting said radiation at the said first wavelength through the said patient's blood and detecting the said radiation after passage through the said patient's blood;

calculating determining absorbance values of the said patient's blood at multiples of the said path length; and

determining the concentration of the blood constituent based upon the changing on said absorbance values.

Claim 54. (Withdrawn)

Claim 55. (Currently amended) A method for noninvasively determining the concentration of a blood constituent comprising the steps of:

providing a at least a first tissue probe, having said tissue probe including a first radiation emitter adapted to emit radiation and a first radiation detector configured adapted to receive said radiation after absorbance through the a patient's blood;

measuring first absorbance of the said patient's blood by emitting transmitting
said radiation at a first wavelength through the said patient's blood and detecting the said
first wavelength radiation after passage through the said patient's blood;

measuring second absorbance of the said patient's blood by emitting said radiation
at a second wavelength through the said patient's blood and detecting the said second
wavelength radiation after passage through the said patient's blood; and

determining the concentration of the blood constituent based ~~upon the on~~ said first
and second absorbance at the first and second wavelengths.

Claim 56. (New) The method of Claim 53, wherein said blood constituent
comprises hemoglobin.

Claim 57. (New) The method of Claim 53, wherein said blood comprises venous
blood.

Claim 58. (New) The method of Claim 53, wherein said blood comprises arterial
blood.

Claim 59. (New) The method of Claim 55, wherein said blood constituent
comprises hemoglobin.

Claim 60. (New) The method of Claim 55, wherein said blood comprises venous
blood.

Claim 61. (New) The method of Claim 55, wherein said blood comprises arterial
blood.